

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANDRE IVORY,	:	Case No. 4:15-CV-02133
	:	
Petitioner,	:	(Judge Brann)
	:	
v.	:	
	:	
DAVID J. EBBERT,	:	(Magistrate Judge Mehalchick)
	:	
Respondent.	:	

**ORDER**

December 1, 2016

Before the Court for disposition is a Report and Recommendation filed by Magistrate Judge Karoline Mehalchick on November 4, 2016.<sup>1</sup> In this Report, Magistrate Judge Mehalchick recommended that the Court transfer the instant Petition for a Writ of Habeas Corpus to the United States District Court for the District of Kansas.<sup>2</sup> No objections to this Report and Recommendation have since been filed.

Upon designation, a magistrate judge may “conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of fact and recommendations.”<sup>3</sup> Once filed, this Report and Recommendation is disseminated to the parties in the case who then have the opportunity to file written

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<sup>1</sup> ECF No. 11.

<sup>2</sup> Id.

<sup>3</sup> 28 U.S.C. 636(b)(1)(B).

objections.<sup>4</sup> Where no objection is made to a report and recommendation, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”<sup>5</sup> Nevertheless, whether timely objections are made or not, the district court may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate judge.<sup>6</sup>

Following independent review of the record, I am satisfied that the Report and Recommendation contains no clear facial error. In the interests of judicial economy, I will not rehash Magistrate Judge Mehalchick's sound reasoning and legal citation. The Court is in full agreement that transfer is appropriate as the United States District Court for the District of Kansas is the most convenient forum for this petition.

**AND NOW, therefore, IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Karoline Mehalchick's Report and Recommendation (ECF No. 11) is **ADOPTED IN ITS ENTIRETY**.
2. Petitioner Andre Ivory's Petition for a Writ of Habeas Corpus (ECF No. 1) will be transferred to the United States District Court for the District of Kansas.

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<sup>4</sup> 28 U.S.C. 636(b)(1).

<sup>5</sup> Rieder v. Apfel, 115 F.Supp.2d 496, 499 (M.D.Pa. 2000) (citing United States v. Raddatz, 447 U.S. 667, 676 (1980)).

<sup>6</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.

3. The Clerk of Courts is directed to effectuate this transfer to the United States District Court for the District of Kansas.

BY THE COURT:

s/ Matthew W. Brann  
Matthew W. Brann  
United States District Judge